

IN RE:
JESUS CRUZ MERCED
YOLANDA MICHELLE ESTRADA BENITEZ
DEBTOR (S)

CASE NO. 13-05220-BKT
CHAPTER 13

**TRUSTEE'S UNFAVORABLE REPORT
ON PROPOSED POST CONFIRMATION PLAN MODIFICATION**

TO THE HONORABLE COURT: NOW COMES, José R. Carrión, Chapter 13 Trustee, and very respectfully alleges and prays:

This is the Trustee's position regarding the request, under **11 U.S.C. §1329**, for the confirmation of a Chapter 13 Plan.

Debtor(s)' Income: **Above Median / 60 months commitment period.** Gen Unsecured Pool: **\$0.00**

The **LIQUIDATION VALUE** of the estate has been determined in **\$8,138.00 R2016 STM. \$3,000.00**

TOTAL ATTORNEYS FEES THRU PLAN: \$2,681.00 Fees paid: \$2,490.00 Fees Outstanding: \$191.00

With respect to the proposed (amended) Plan dated: **2/2/2015** (Dkt 50). Plan Base: **\$18,120.00**

The proposed (amended) plan can not be confirmed because it has the following deficiencies:

- Feasibility [§1325(a)(6)] - The sufficiency of the plan base will depend on the outcome of the Motion for Authority to Obtain Credit filed by Debtors on 2/4/15 docket #52.

- Feasibility [§1325(a)(6)]: Default in payments to Trustee. - Under the proposed plan Debtor is one (1) month, **or \$150.00**, in arrears with the Trustee. The pending payment pertains to the month **of, JANUARY 2015**; which became due on the **26TH**-day of the month. Debtors must show by definite and credible evidence that they can comply with payments as proposed .

Trustee objects the additional compensation for legal fees requested by debtor' (s") counsel in the amount of \$500.00 until above matters are resolved.

Due to the above described deficiencies in the proposed plan the Trustee Objects to the Confirmation of the same .

CERTIFICATE OF SERVICE: The Chapter 13 Trustee herewith certifies that a copy of this motion has been served via first class mail on the same date it is filed to: the DEBTOR(s), and to her/his/their attorney through CM-ECF notification system .

In San Juan, Puerto Rico this February 06, 2015.

/s/ Jose R. Carrion

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